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FAX COVER SHEET

To: STEVE WARNER	**From:** M. C. GRAHAM
Fax: 202-530-1055	**Art Unit:** 3683
Serial No.: 09/990350	**Date:** 8/26/2003
CC:	**Phone No.:** 308-2570

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☒ **Per Your Request**

• **Comments:** RESTRICTION

Number of Pages 3 **, including this page.**

1. This application contains claims directed to the following patentably distinct species of the claimed invention: species I, as shown in Figure 1; species II, as shown in Figure 8; species III as shown in Figure 10; species IV, as shown in Figure 11; species V, as shown in Figure 13; species VII, as shown in Figure 14; species VIII, as shown in Figure 15; species IX, as shown in Figure 17; species X, as shown in Figure 18.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-31, drawn to an apparatus and method for controlling vacations, classified in class 267, subclass 140.14.

II. Claims 32-39, drawn to a, method for manufacturing semiconductors, classified in class 438, subclass 381.

III. Claims 40-45, drawn to a maintenance method, classified in class 204, subclass 192+.

3. A telephone call was made to John W. Behringer on 8/7/2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication should be directed to Mr. Graham at telephone number (703) 308-1113.

Graham/kn
August 11, 2003

M. C. 8/13/2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310